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November 8, 2013

Via ECF

Hon. Gabriel W. Gorenstein, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Mendez et al. v. International Food
House, Inc. et al.

Index No. 13-cv-2651 (JPO)(GWG)

Dear Judge Gorenstein,

We represent defendants in the above referenced matter and write in response and opposition Mr. Faillace's letter motion to the Court earlier today seeking leave to file a motion for sanctions to (1) preclude defendants from introducing any evidence or testimony concerning (A) the gross revenue of the Mofongo House restaurant run by Defendants, (B) the hours worked by Plaintiffs, and (C) the wages paid to Plaintiffs; (2) strike defendants' answer; and/or (3) render a default judgment against defendants.

We apologize for the delay in responding to plaintiffs' interrogatories and documents requests, however, we are a small firm and doing the best we can to comply with discovery obligations in this matter. I have been out of the office on other pressing matters the last few weeks, but despite defendants' representation to the contrary, our office has been in constant contact with defendants' counsel. In fact, plaintiffs' counsel was advised earlier today, *before* they filed the instant motion, that responses were being sent out this afternoon. We in fact did sent out defendants' responses via priority mail today, and respectfully submit that defendants should not be sanctioned.

Very truly yours,



Andrew S. Hoffmann